IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 20106 of 2004(R)

PETITIONER:

KUNHIRAMAN, S/O.ACHUTHAN NAIR,
KALATHIL HOUSE, CHATTIPARAMBU, KODOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SMT.SINDHU MURALEEDHARAN

RESPONDENTS:
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1. THE SPECIAL DEPUTY TAHASILDAR (RR),
PERINTHALMANNA, MALAPPURAM DISTRICT.

2. THE JOINT REGIONAL TRANSPORT OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT.

3. SHARIFF, S/O.HAMZA, KATILKULANGARA
HOUSE, CHEGOTTOOR, MALAPPURAM DISTRICT.

R1 & R2 BY G.P. SRI. K.P. PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE RECEIVED BY THE PETITIONER AS NO. D1 3849/094/MVT DATED 9.6.2004

EXT.P2 TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND THE THIRD RESPONDENT DATED 23.3.1999

EXT.P3 TRUE COPY OF THE REPRESENTATION DATED 2.3.2001 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 20106 OF 2004

Dated this the 12th day of December, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of arrears of motor vehicle tax due in respect of a car bearing registration No. KL-10C-1549 of which petitioner was the registered owner. Since petitioner claimed sale of car and the purchaser declined to pay the tax, this Court vide order dated 8.7.2004 directed the petitioner to trace the car and inform the police for seizure. However, nothing has happened pursuant to the interim order. Moreover, notice sent to the purchaser in the address given by the petitioner was returned with endorsement "left". If petitioner has sold the vehicle to a person who is not traceable then this Court cannot help the petitioner. In any case recovery has to be made from the petitioner because Section 3 of the Motor Vehicle Taxation Act provides for recovery from the registered owner, who is bound to pay tax. W.P. is accordingly dismissed. However, if vehicle is seized it should be first sold for recovery of tax and only the balance will be recovered from the petitioner.

(C.N. RAMACHANDRAN NAIR)
Judge

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